



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2407863
Applicant Name: Brittani Ard
Address of Proposal: 2201 NE 92nd Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into four unit lots. This subdivision is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses is being reviewed under Project No. 2405288.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into four unit lots.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site Description

The site is located in an L3 zone at the southeast corner of the intersection of Ravenna Avenue NE and NE 92nd, one block east of Lake City Way NE. Neither adjacent street is fully improved, and improvement of NE 92nd Street with a 5-foot paved pedestrian walkway has been called for under the approval of a related project, Project No. 2306438. Two 2-unit townhouse structures are

proposed to be constructed on the subject site under Project No. 2405288. There is a large assisted living structure located on the subject parcel and adjacent parcels to the east and south which has been approved for removal under earlier permits. The foregoing SEPA review also considered construction of up to 26 residential units, including those proposed; that is why there is no SEPA component on this project.

Portions of the subject lot are mapped as environmentally critical due to presence of steep slopes and liquefaction-prone soils, and the western quarter of the site is within a designated riparian corridor. However, the site has received limited steep slope exemptions due to grading associated with construction within the adjacent rights-of-way. The entire site lies entirely outside the regulated 50-foot buffer area.

Area Development

The subject site is located amidst large-scale lots and developments, with the related developments on site being the only small-scale development within about a block. Across the street to the north is a huge multifamily residential complex. Across the street to the west is a sliver of vacant property, then Lake City Way and across that a large towing lot. Only across 23rd to the east, a good long block away, is there existing small scale residential development.

Proposal

The proposal is to subdivide one lot into four unit lots. Two 2-unit townhouses will be constructed. There will be one parking space within each unit. Units will be centered in the lots, with approximately 32 feet from the east and west building edges to the east and west property lines, respectively. Open space will be provided facing Ravenna Avenue NE. Access will be taken from easements on the interior (east) side of the site.

Public Comment

There have been five written comments. Concerns were expressed regarding potential for increased traffic congestion (especially because of double dead-ending of 23rd to the east of the project); unsightly appearances of parked vehicles on and off site; traffic hazards at 92nd and Ravenna, need for traffic light at 92nd and Ravenna; need to limit hours of construction due to noise impacts; need for substantial pedestrian, bicycle and retaining wall improvements along 92nd between Ravenna and 23rd, general hazards to pedestrians in this area; and construction phase impacts on a fire plug on 23rd.

ANALYSIS – SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

Summary

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Departments (SFD), Seattle City Light (still outstanding), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. As conditioned, the lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code, and are consistent with applicable development standards. In particular, the determination has been made pursuant to the ruling SEPA decision (under Project No. 2306438; but now a non-appealable condition), that a 5-foot wide asphalt paved pedestrian walkway must be installed connecting 23rd Avenue NE and Ravenna Avenue NE, having an extruded asphalt curb, and otherwise subject to Seattle DOT standards and review. Such walkway is to be provided prior to issuance of any building permit on any of the subject parcels, and prior to any sale or separation of ownership of the parcels. Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is located in a mapped environmentally critical area, and meets all applicable criteria stated in the ECA Ordinance, SMC Chapter 25.09. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

ANALYSIS –UNIT LOT SUBDIVISION (CRITERION #7)

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The unit subdivision provisions of SMC Section 23.24.045 apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*
- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above, may be subdivided into individual unit lots. The development as a whole shall*

meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

- C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of King County Development of Records and Elections.*
- F. The facts that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that, as conditioned below, the proposed short subdivision would conform to applicable standards of SMC 23.24.045. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.” A joint use and maintenance agreement has been provided on the plat.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. The owner(s) and/or responsible party(s) shall comply with all applicable standard recording requirements and instructions.
2. Maintain the following note to the face of the plat: *“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code.”*
3. Maintain the shown joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.

4. Include an easement to provide for electrical facilities and service to the proposed lots as required (if required) by Seattle City Light on the final short subdivision. At present, City Light has not commented on the project.
5. Identify a location secured by permanent easement to allow for the posting of address signage for the unit lots and maintain the shown covenant and/or an easement to ensure that address signage can be maintained.
6. Add the following note to plans: ‘Prior to issuance of any building permit on any of the subject parcels, and/or prior to any sale or separation of ownership of the parcels: A 5-foot wide asphalt paved pedestrian walkway must be installed connecting 23rd Avenue NE and Ravenna Avenue NE, having an extruded asphalt curb, and otherwise subject to Seattle DOT standards and review.’

Prior to Issuance of any Building Permit

1. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

NON-APPEALABLE ZONING REQUIREMENTS:

Prior to recording of the short plat:

The building permit for Project No. 2405288 shall be issued.

Prior to any sale or separation of ownership of the subject parcels, and/or issuance of any permit to construct on any of the subject parcels:

The owner(s) and/or responsible party(s) shall install a 5-foot wide asphalt paved pedestrian walkway must be installed connecting 23rd Avenue NE and Ravenna Avenue NE, having an extruded asphalt curb, and otherwise subject to Seattle DOT standards and review.

Signature: _____ (signature on file) Date: January 6, 2005
Paul M. Janos, Land Use Planner
Department of Planning and Development
Land Use Services

PMJ:bg